



**Minutes of the
EMERGENCY MEDICAL SERVICES BOARD
Wednesday December 13th, 2017**

The meeting of the Emergency Medical Services Board opened at 9:08 am CST in the Iris Room at 665 Mainstream Drive, Nashville, Tennessee.

CALL TO ORDER/ROLL CALL

The Board Chair opened the meeting with a Roll Call and the following is the results:

| | | | |
|------------------|----------------|--------------------------|---------|
| Chris Brooks, MD | Present | James Ross, RN | Present |
| Jeffrey Davis | Present | Dennis Rowe | Present |
| Kappu Deshpande | Present (Late) | Chrm. Sullivan Smith, MD | Present |
| Thomas Dunavant | Present | Tim Strange | Absent |
| Donald Mosby | Present | Tyler White | Present |
| Greg Patterson | Present | Jeanne Yeatman, RN | Present |
| Brian Robinson | Present | | |

Twelve (12) members were in attendance, a quorum was declared.

Also present:

| | |
|--|---|
| Donna G. Tidwell Director Office of Emergency Medical Services | Brian Tompkins Region 4 EMS Consultant |
| Joe Holley MD State Medical Director | Dwight Davis Region 5 EMS Consultant |
| Kyonzte Hughes-Toombs Legal Counsel | LeeAnne Boeringer Region 6 EMS Consultant |
| Paul Richard Legal Counsel | Teddy Myracle Region 7 EMS Consultant |
| John Dabbs Region 1 EMS Consultant | Kevin Cagle Region 8 EMS Consultant |
| Steve Hamby Region 2 EMS Consultant | Randall Kirby EMS Consultant at Large |
| Nita Jernigan Region 3 EMS Consultant | Tory Ferguson Regulatory Board Administrative Assistant 2 |

APPROVAL OF THE SEPTEMBER 20th, 2017 MINUTES – Motion by Mr. Patterson to accept the minutes as presented and seconded by Mr. Davis.

Motion passed on voice vote.

OGC Report

Mr. Paul Richardson came forward and presented the OGC Report. Currently, OGC has 34 open cases and 8 of those are scheduled to be presented today. Mr. Richardson covered the status of pending Rules and Regulations (it is expected to have a Rule Making Hearing in March, 2018). He also reviewed the Conflict of Interest Policy.

Recognition

Mrs. Tidwell recognized the Ambulance Strike Team (AST) members and services who were deployed to Florida during Hurricane Irma in September 2017. She presented certificates to each team member and services. Mrs. Tidwell gave special recognition to Dr. Holley and Kevin Cagle for their response to the recent disasters also.

After the Recognition Ceremony, a short recess was taken.

TnPAP Report

Mr. Harkredder presented TnPAP's report. There was no questions from the Board to Mr. Harkredder.

Approval of Proposed Rules

There was no business to conduct.

OGC Cases

Consent Order

Respondent: Matthew Douglas Richardson, AEMT, License No. 39668

Dr. Smith had to recuse himself from the proceedings and Mr. Ross was appointed interim Chairman for this proceeding. The Consent Order for Case No. 2016061301 was presented by Mr. Paul Richardson. The respondent had pled guilty to statutory rape and was consenting to revocation of his license. A motion to accept the order as written was received from Ms. Deshpande and seconded by Mr. Mosby.

Roll Call Vote:

| | | | |
|------------------|-----|--------------------------|---------|
| Chris Brooks, MD | Aye | James Ross, RN | Aye |
| Jeffrey Davis | Aye | Dennis Rowe | Aye |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | Recused |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | Aye | Tyler White | Aye |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Motion carried.

Dr. Smith resumed duties of Chairman for the proceedings.

Consent Order

Respondent: Adam Joshua Roberts, AEMT, License No. 39018

The Consent Order for Case No. 2016062281 was presented by Mr. Paul Richardson. The respondent had a delayed response to an emergency call as a result of increment weather due to ice and snow. The respondent was consenting to having his license reprimanded and must submit proof of training on Meigs County Emergency Service's policy regarding response times and response during increment weather. A motion to accept the order as written was received from Ms. Deshpande and seconded by Mr. Ross.

Roll Call Vote:

| | | | |
|------------------|-----|--------------------------|--------|
| Chris Brooks, MD | Aye | James Ross, RN | Aye |
| Jeffrey Davis | Aye | Dennis Rowe | No |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | No |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | No | Tyler White | Aye |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Motion carried.

Consent Order

Respondent: John C. Clark, AEMT, License No. 40327

Mr. Ross recused himself from the proceeding. The Consent Order for Case No. 2016043751 was presented by Mr. Paul Richardson. The respondent after a report of unaccounted medications underwent a Urinary Drug Screen (UDS). The UDS was found positive for THC and hydrocodone. The respondent was unable to produce a prescription for hydrocodone. He was terminated from West Tennessee Health Care (his employer at the time) as a result. The respondent is consenting to having his license suspended and evaluation by TnPAP. License suspension would be stayed and place on probation as long

as compliance with TnPAP's monitoring agreement. A motion to accept the order as written was received from Mr. Davis and seconded by Mr. White.

Roll Call Vote:

| | | | |
|------------------|-----|--------------------------|---------|
| Chris Brooks, MD | Aye | James Ross, RN | Recused |
| Jeffrey Davis | Aye | Dennis Rowe | Aye |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | Aye |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | Aye | Tyler White | Aye |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Motion carried.

Mr. Ross rejoined the proceedings.

Agreed Order

Respondent: Jeremy D. Hubble, Paramedic, License No. 16737

The Agreed Order for Docket No. 17.34-146792A was presented by Ms. Hughes-Toombs. The respondent was arrested on or about July 28th, 2016 and charged with Unlawful Possession of a Weapon, Possession of a Legend Drug without a Prescription; Fraud (a Class D Felony), and Possession of a Scheduled IV Controlled Substance with Intent to Deliver (a Class D felony). On or about November 29th, 2016, he pled guilty to a misdemeanor charge of simple possession of Tramadolol. He received a suspended sentence and fined \$750.00 – felony charges were dropped. Respondent has agreed to his license being suspended for a period of not less than 120 days, suspension to be lifted if the respondent under goes the TnPAP evaluation and agrees to follow its recommendations. If so done, the license will be placed in Probationary status for no less than 3 years. A motion to accept the order as written was received from Mr. Brooks and seconded by Ms. Deshpande.

Roll Call Vote:

| | | | |
|------------------|-----|--------------------------|--------|
| Chris Brooks, MD | Aye | James Ross, RN | No |
| Jeffrey Davis | Aye | Dennis Rowe | No |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | No |
| Thomas Dunavant | No | Tim Strange | Absent |
| Donald Mosby | No | Tyler White | No |
| Greg Patterson | No | Jeanne Yeatman, RN | No |
| Brian Robinson | No | | |

Motion failed.

OGC asked the Board for guidance in drafting disciplinary action that maybe more appropriate. The concerns of the Board was related to OGC. The case goes back for recrafting.

Agreed Order

Respondent: Paul Moss, Paramedic, License No. 27823

Mr. Mosby recused himself from the proceedings. The Agreed Order for Case No. 2015005081 was presented by Ms. Hughes-Toombs. On or about February 24th, 2015, the Respondent pled guilty to Aggravated Assault, a Class C felony. As a result of this plea, the Respondent was placed on judicial diversion for a period of three years, beginning on February 24th, 2015 and ending February 23rd, 2018. It is agreed the respondent be placed on probation for one year. Should the diversion be extended, the term of the probation of his license will be extended to run concurrent. A motion to accept the order as written was received from Mr. Davis and seconded by Mr. Ross. After much discussion, it was agreed to set this aside and return to it after some further research was completed.

Mr. Mosby rejoined the proceedings.

Agreed Order

Respondent: Robby Lawson, AEMT, License No. 37143

Dr. Brooks and Mr. Rowe recused themselves from the proceedings. The Agreed Order for Document No. 17.34-142286A was presented by Ms. Hughes-Toombs. The Respondent was employed as an AEMT for Rural/Metro Ambulance Service – Knox County and on at least three occasions prior to July 2015, Respondent stole sharp containers from the University of Tennessee Medical Center Emergency Department. There were no items removed from the containers and the Respondent underwent a drug screen by his employer. The screening was negative. The Respondent has agreed to have his license placed on probation for one year, he is to maintain good and lawful conduct, and submit proof of sobriety for the duration of the probationary period for the probation to be lifted. A motion to deny the order as written was received from Mr. White and seconded by Ms. Yeatman.

Roll Call Vote:

| | | | |
|------------------|---------|--------------------------|---------|
| Chris Brooks, MD | Recused | James Ross, RN | Aye |
| Jeffrey Davis | Aye | Dennis Rowe | Recused |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | Aye |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | Aye | Tyler White | Aye |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Motion carried.

OGC requested guidance as to how to proceed- it was recommended suspension rather than probation.

Dr. Brooks and Mr. Rowe rejoined the proceedings.

Agreed Order

Respondent: Shelby Lynn Lollar, AEMT, License No. 40608

The Agreed Order for Document No. 17.34-146394A was presented by Ms. Hughes-Toombs. The Respondent was enrolled as a paramedic student at Southwest Tennessee Community College in Memphis, Tennessee. In and around March and April of 2015, Respondent plagiarized an assignment and as a result was dismissed from the paramedic program. The agreed order is for her license to be reprimanded. A motion to accept the order as written was received from Mr. Ross and seconded by Dr. Brooks.

Roll Call Vote:

| | | | |
|------------------|-----|--------------------------|--------|
| Chris Brooks, MD | Aye | James Ross, RN | Aye |
| Jeffrey Davis | Aye | Dennis Rowe | Aye |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | Aye |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | Aye | Tyler White | Aye |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Motion carried.

Agreed Order

Respondent: Thomas Jacob Marshall, Paramedic, License No. 40750

The Agreed Order for Document No. 17.34-146756A was presented by Ms. Hughes-Toombs. The Respondent in September 2015, obtained a fraudulent CPR certification course roster and submitted it for consideration to maintain his employment

with Montgomery County EMS. Montgomery County EMS terminated his employment. It was agreed that his license be reprimanded. A motion to accept the order was received from Mr. Ross and seconded by Dr. Brooks.

Roll Call Vote:

| | | | |
|------------------|-----|--------------------------|--------|
| Chris Brooks, MD | Aye | James Ross, RN | Aye |
| Jeffrey Davis | Aye | Dennis Rowe | Aye |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | Aye |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | Aye | Tyler White | Aye |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Motion carried.

Revisited Agreed Order

Respondent: Paul Moss, Paramedic, License No. 27823

Mr. Mosby recused himself from the proceedings. Mr. Moss case was resumed. Mrs. Tidwell gave a timeline of the incident's occurrence, reporting and investigation.

A motion to accept the order as written was received from Mr. Davis and seconded by Mr. Ross.

Roll Call Vote:

| | | | |
|------------------|---------|--------------------------|--------|
| Chris Brooks, MD | Aye | James Ross, RN | Aye |
| Jeffrey Davis | Aye | Dennis Rowe | Aye |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | No |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | Recused | Tyler White | Aye |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Motion carried.

Mr. Mosby rejoined the proceedings.

Brandon Mattson Initial Application Approval

Mr. Mosby recused himself from the proceedings. Mr. Mattson had applied for EMT Licensure in September 2017 and was denied licensure on September 20th, 2017 due to findings of a review of his criminal conviction in August 2009. He is appearing before the Board to appeal that denial. Mr. Mattson appeared before the Board and gave an explanation of the circumstances of that conviction. He also related in detail the reasons for his request to be licensed as an EMT.

A motion to approve the application was received from Mr. White and seconded by Mr. Dunavant.

Roll Call Vote:

| | | | |
|------------------|---------|--------------------------|--------|
| Chris Brooks, MD | Aye | James Ross, RN | Aye |
| Jeffrey Davis | Aye | Dennis Rowe | Aye |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | No |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | Recused | Tyler White | Aye |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Motion carried.

A motion was received to condition the license until completion of an ethics class approved by the Director of EMS from Mr. White and seconded by Mr. Dunavant.

Roll Call Vote:

| | | | |
|------------------|---------|--------------------------|--------|
| Chris Brooks, MD | Aye | James Ross, RN | Aye |
| Jeffrey Davis | Aye | Dennis Rowe | Aye |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | No |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | Recused | Tyler White | Aye |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Mr. Mosby rejoined the proceedings.

Request for Restoration of Instructor Coordinator Authorization of Fred J. Kirby

In 2015 Fred J. Kirby surrendered his Instructor Coordinator Authorization in a consent order which has same effect as revocation. Mr. Kirby has completed requirements of the Consent Order (Case No. 2014018841). Mr. Kirby was denied reinstatement of Instructor Coordinator by the Director of Office of EMS and requested an appeal to the EMS Board. Mr. Kirby presented is request to the board and after discussion and questions from the board a motion was received to restore Mr. Kirby's Instructor Coordinator authorization from Mr. Mosby and a second from Dr. Brooks.

Roll Call Vote:

| | | | |
|------------------|-----|--------------------------|--------|
| Chris Brooks, MD | Aye | James Ross, RN | Aye |
| Jeffrey Davis | Aye | Dennis Rowe | No |
| Kappu Deshpande | Aye | Chrm. Sullivan Smith, MD | Aye |
| Thomas Dunavant | Aye | Tim Strange | Absent |
| Donald Mosby | Aye | Tyler White | No |
| Greg Patterson | Aye | Jeanne Yeatman, RN | Aye |
| Brian Robinson | Aye | | |

Motion carried.

Vanderbilt Medical Center Telemedicine Grant

A report was received from Vanderbilt on telemedicine in EMS units for stroke assessment and treatment by Dr. Commiskey. They also related that grants were being applied for the project.

COMMITTEE REPORTS

A. Clinical Issues Committee and Medical Director's Report

Dr. Holley presented a brief report on Altered Standards of Care Project. He also the Yellow Dot Program that is being conducted by TDOT. He expressed the concerns about Medical Direction of EMS in Tennessee and outlined the results of a survey conducted by the CIC.

B. COPEC

Mrs. Phillipi presented the results of the EMS Survey for compliance with and review of Performance Measure required in the EMS C Grant. She requested approval of the committee members as required and outlined other activities of the Committee. She reminded the board of the upcoming Pediatric Conference in April and of the Star of Life Ceremony is May 16th, 2018.

After discussion on membership of the committee. A motion was received from Mr. White and second by Mrs. Yeatman to Committee organizational membership and have that organization determine the member to attend. A voice vote was conducted and the motion passed.

C. Initial Education Committee

Since Mr. Strange is absent, Mrs. Tidwell gave the report to the Board. She acted as Chair for that Committee due to Mr. Stranger's illness at the Committee's meeting. Kirk Harris, Chair of the Continuing Education Committee, gave a report to the Initial Education committee on their recommendations for the purposed Instructor rule changes. These were incorporated into rules changes and have been sent for internal review for rulemaking.

D. Director's Report

Mrs. Tidwell gave a report on the progress of the EMS Licensure Compact. She reported the next commission face to face meeting will be hosted by TN. She also reported that our website has been changed to a new platform and thus a new URL. The Office is in the process of getting the word out. The equipment list is now posted on the web site with the most current changes.

Nationally, fatigue management is being studied and this is focused on EMS workers and shift workers. Phase I is complete which was a literature research. Phase II will be actual research. Mrs. Tidwell gave a synopsis of the Phase I results.

Mrs. Tidwell did give a brief report on the NREMT Third Quarter Program Pass Rate.

A discussion was held on treating the EMS manpower shortage as a prodromal situation. Mrs. Tidwell is to check with the State Epidemiologist about doing such a study.

Old Business

Being none, the Chairman moved on to New Business.

New Business

The Chairman advised everyone it is December and time for election of the Chairman for 2018. Motion by Mr. White and received multiple seconds to elect Dr. Smith as Chairman for 2018. A voice vote was held and motion carried.

A motion was made to have Mr. Ross as Vice Chairman in situations where the Chairman is absent or has to recuse. It received multiple seconds and was passed voice vote.

Mr. Ross recognized Mrs. Tidwell for her service to her country and state.

The next meeting of the Board is scheduled for March 28th, 2018 at 9:00 am CDST.

A motion was received to adjourn. Motion carried on voice vote. Meeting adjourn at 2:41 pm CST.